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In re Application of
HOSHINO et al.
Application No.: 10/591,843
PCT No.: PCT/JP05/04301
Int. Filing Date: 11 March 2005
Priority Date: 11 March 2004
Attorney Docket No.:KUP-12
For: PROTEASE INHIBITOR AND
PREVENTIVES OR REMEDIES FOR DISEASES

DECISION ON
PETITION UNDER
37 CFR 1.497(d)

This is a decision on applicant's submission of "Declaration in Compliance With 37 CFR 1.497(a) and (b) to Identify All Inventors", filed on 18 October 2007 in the United States Patent and Trademark Office (USPTO), requesting the addition of Junji Yodoi and Hajime Nakamura as inventors in the above reference application.

BACKGROUND

On 09 August 2007, applicant filed a petition for correction of inventorship to add Junji Yodoi and Hajime Nakamura as inventors. In addition to the \$130 petition fee, Petitioner provided the statements of the inventors Junji Yodoi and Hajime Nakamura in support of the correction of inventorship under 37 CFR 1.497(d).

On 01 October 2007, a decision dismissing the petition to correct inventorship was mailed to applicant indicating that the declaration did not meet the requirements of 37 CFR 1.497 (a) and (b) and were unacceptable as filed.

On 18 October 2007, applicant filed a newly executed declaration.

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(g); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

The declaration filed on 18 October 2007 meets the requirements of 37 CFR 1.497(a) and (b) as it identifies the application, all the inventors and provides their citizenship, residency and mailing address.

With the submission of the newly executed declaration, applicant has satisfied Items (1) - (3) above. Accordingly, applicant has now met all of the requirements of 37 CFR 1.497(d) to add Junji Yodoi and Hajime Nakamura as inventors in the above-identified international application.

CONCLUSION

Applicant's petition under 37 CFR 1.497(d) to add inventors Junji Yodoi and Hajime Nakamura is GRANTED.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **18 October 2007**.



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